Unusual sites and circumstances are sometimes unavoidable. In some cases, it may be possible to request a variance to accommodate these rare situations. Variances may sometimes be granted for items such as:

Minimum site area, width and depth

Maximum lot coverage

Distance between structures

Front, rear, or side yard setbacks

Fence height • Parking • Signage

PURPOSES OF A VARIANCE

Variances from the terms of the Zoning Ordinance may be granted only when—because of special circumstances applicable to the property, including size, shape, topography, location or surroundings—the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any Variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zone in which such property is situated.

The power to grant Variances does not extend to "use" regulations—Variances may only be requested for specific dimensional or area regulations. If the conditions are not met for a Variance, it may be possible to pursue other alternatives such as a Conditional Use Permit or Zone Change. Contact Community Development for more information.

The Board of Adjustment may grant Variances to the regulations prescribed by Section 30.8 of the Zoning Ordinance with respect to fences, walls, hedges, screening, and landscaping; site area, width, and depth; front, rear, and side yards; lot coverage, height of structures; distances between structures; usable open space; signs, off-street parking facilities, or frontage on a public street.

ADDITIONAL FINDINGS FOR SIGNS

Any Variance regarding signage must also meet the following:

- 1. That the granting of the Variance will not detract from the attractiveness or orderliness of the surrounding neighborhood or infringe on the similar rights of others.
- 2. That the granting of the Variance will not create a hazard to public safety.

ADDITIONAL FINDINGS FOR PARKING

Any Variance reagarding parking requirements must also meet the following:

- 1. That neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
- 2. That the granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
- 3. That the granting of the Variance will not create a safety hazard or any other condition inconsistent with the objectives of the Zoning Ordinance.

FOR MORE INFORMATION

The Community Development Department staff planners are available to answer your questions and guide you through the process. You may contact a planner at:

COCONINO COUNTY COMMUNITY DEVELOPMENT

2500 North Fort Valley Road Building #1 Flagstaff, AZ, 86001

Phone: 928-679-8850 1-800-559-9289 Fax: 928-679-8851 www.coconino.az.gov/communitydevelopment



WHAT IS A VARIANCE REQUEST? COCONINO COUNTY

COCONINO COUNTY

COMMUNITY DEVELOPMENT

DEPARTMENT



Use this guide to help determine if your situation qualifies before contacting Community Development. If you think a Variance might be appropriate, you may schedule a Pre-application meeting.

APPLICATION REQUIREMENTS

Requesting a Variance is a fairly simple process. In addition to the standard information—applicant name, property address, and application fee, there are just a few additional items required to complete the application:

- 1. A written narrative explaining the request and a statement explaining how it meets the "findings" of hardship and burden (as outlined elsewhere in this brochure).
- 2. An accurate scale drawing of the site and any adjacent property affected, showing topography and all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking facilities, and landscaped areas. Seven copies of the site plan are required. In some cases, a Record of Survey may be required prepared by a Registered Land Surveyor.
- 3. A list of the names and addresses of all property owners within 300 feet of the property.

Additional information or plans may be required if necessary to enable a determination as to whether the circumstances prescribed for the granting of a Variance exist.

LEGAL NOTICE

A minimum of fifteen days prior to the Board of Adjustment hearing, the case is advertised in the Legal Notice section of the local newspaper, a sign containing a description of the proposal is posted on the property, and all neighboring property owners are notified by mail.

THE STAFF REPORT

About two weeks prior to the public hearing, staff prepares a report analyzing the request. The staff report is provided to the applicant within the week prior to the hearing.

The staff report generally includes a recommendation for approval or denial, and conditions which must be met. The applicant should be prepared to discuss the conditions at the hearing, so it may be beneficial to discuss with the staff planner in advance.

BOARD OF ADJUSTMENT HEARING

When the Board Chairman calls a case, the staff planner presents the report and staff recommendation. After the staff presentation, the applicant is invited to make a presentation and answer questions from the Board.

Following the applicant's presentation, the Board Chair opens the hearing for public comments. Anyone with comments pertinent to the case will be heard. In reaching a decision, the Board considers the staff report as well as the presentation of the applicant, public testimony, and their own knowledge of the area.

The Board of Adjustment then acts on the application by approving the case with conditions as recommended by staff or as modified by the Board at the hearing, or they may deny the request. If the Board decides that more information is needed, they may continue the hearing on the case to a future date.

BOARD ACTION

The Board may grant a Variance as it was applied for or in modified form, or the application may be denied. A Variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions.

A decision of the Board of Adjustment on a Variance shall be final thirty days after the date of the decision and upon receipt by the Community Development Department of a signed agreement to the conditions of approval, unless an appeal has been filed.

A decision of the Board of Adjustment on a Variance may be appealed within 30 days to Superior Court by the applicant or any other aggrieved person as prescribed in ARS 11-807. An appellant should seek competent legal counsel to pursue an appeal in Superior Court.

REVOCATION OF A VARIANCE

A variance granted by the Board of Adjustment subject to conditions may be revoked if the applicant has not complied with the conditions. The decision of the Board revoking a Variance shall become effective fifteen days following the revocation unless an appeal has been filed.

Following the denial or revocation of a Variance application, no application for the same or substantially the same Variance on the site or substantially the same site shall be filed within one year from the date of denial or revocation of the Variance.

"FINDINGS" FOR VARIANCE REQUESTS

Pursuant to Section 30.8 of the Coconino County Zoning Ordinance, the Board of Adjustment must make the following findings if it is to approve a Variance request:

- That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Zoning Ordinance.
- That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the same zone.
- 3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.
- 4. That the granting of the Variance as conditioned will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the vicinity classified in the same zone.
- 5. That the granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.